

Remarks

The Office Action dated May 12, 2005 has been carefully reviewed and the foregoing remarks are made in response thereto. In view of the above claim amendments and following remarks, Applicants respectfully request reconsideration and reexamination of this application and timely allowance of the pending claims. Applicants appreciate the efforts of the Examiner in discussing the rejections and proposed claims amendments via telephone on May 31, 2005.

The Examiner has stated that claims 73 and 74 would be allowable if they were written in independent form. In response, Applicants have amended claim 69 to incorporate the subject matter of claim 73 and have cancelled claim 73. Applicants have left claim 74 as a dependent claim because claim 74 now properly depends from an allowable claim.

Applicants also acknowledge that claims 82 and 83 are allowable.

Specification

Applicants have amended the specification in the present amendment to provide the deposit data for the claimed protein and corresponding cDNA. Applicants request entry of this amendment as required under 37 C.F.R. 1.821. Furthermore, Applicants attach herewith the necessary statement under 37 C.F.R. 1.804 by Dr. Gerald Quinnan stating that the material deposited is identical to the material identified in the application.

The Examiner requested that the new matter presented in the previous amendment in Table 3 be cancelled. The Examiner contends that the declaration by Dr. Gerald Quinnan submitted on September 11, 2003 did not contain any indication that the sample of the original cDNA was taken from the same sample that was used to disclose the amino acid sequence of SEQ ID NO: 1 in the originally filed application (see Office Action dated June 4, 2004). Applicants submit that the term "original" in paragraph 5 of the declaration was intended to mean the original cDNA from which the amino acid sequence of SEQ ID NO: 1 was derived and subsequently disclosed in the provisional application. Applicants bring to the attention of the Examiner that the attached statement by Dr. Gerald Quinnan under 37 C.F.R. 1.804 also establishes this fact. Therefore, Applicants assert that no new matter has been added and request withdrawal of this objection.

Rejections under 35 U.S.C. 112 (second paragraph)

The Examiner has rejected claims 65 to 68, 70 to 72, and 76, under 35 U.S.C. 112, second paragraph, as purportedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Particularly, the Examiner has objected to the term “about” in relation to sequence identity.

Without acquiescing to the merits of the rejection, Applicants have removed the term, rendering the rejection moot. Applicants, therefore, request withdrawal of this rejection.

Rejections under 35 U.S.C. 102

The Examiner has rejected claims 69, 77, 80, 84 to 89, and 94 under 35 U.S.C. 102(b) as purportedly being anticipated by the sequence alignment of the V3 region of SEQ ID NO: 1 with Genseq database accession numbers AAR20883 and EP471407 of Lewis *et. al.*

Without acquiescing to the merits of the rejection, Applicants have amended claim 69 to incorporate the subject matter of claim 73. Since the Examiner has stated that claim 73 would be allowable if written in independent form, the rejection of claim 69 is now moot. Also since claims 77, 80, 84 to 89, and 94 depend from claim 69, thereby incorporating all the claim limitations of 69, these claim rejection are also moot. Applicants, therefore, request withdrawal of this rejection.

Rejections under 35 U.S.C. 103

The Examiner has rejected claims 81, 75, 79, 78, 90 to 93 under 35 U.S.C. 103(a) over Lewis *et al.* as applied to the independent claims from which they depend. Without acquiescing to the merits of the rejection, Applicants have amended claim 69 to incorporate the subject matter of claim 73. Since the Examiner has stated that claim 73 would be allowable if written in independent form, the rejection of claim 69 is now moot, and therefore the rejections of dependent 81, 75, 79, 78, 90 to 93 are also moot since these dependent claims incorporate all the limitations of claim 69. Applicants, therefore, request withdrawal of the rejection.

Conclusion

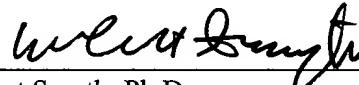
The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request reconsideration and the timely allowance of the pending

claims. A favorable action is awaited. Should the Examiner find that an interview would be helpful to further prosecution of this application, she is invited to telephone the undersigned at her convenience.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **September 8, 2005**
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Respectfully submitted
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